

AMENDMENT TO RULE COMMITTEE PRINT 117-54
OFFERED BY MS. SPEIER OF CALIFORNIA

Add at the end of title LVIII of division E the following:

1 **SEC. _____ . ENFORCEMENT OF FOREIGN JUDGEMENT.**

2 Section 2467 of title 28, United States Code, is
3 amended—

4 (1) in subsection (c)—

5 (A) in paragraph (1), by striking “on be-
6 half of a foreign nation”; and

7 (B) by striking paragraph (2)(C) and in-
8 serting the following:

9 “(C) the district court shall have personal
10 jurisdiction over a person or entity who has
11 filed a response to an application by the Gov-
12 ernment under this section or a person or entity
13 residing outside of the United States if the per-
14 son or entity has been served with process in
15 accordance with Rule 4 of the Federal Rules of
16 Civil Procedure;

17 “(D) the United States shall provide notice
18 of an action to enforce a foreign forfeiture judg-
19 ment in accordance with the procedures set

1 forth in Rule G of the Supplemental Rules for
2 Admiralty or Maritime Claims and Asset For-
3 feiture Actions to the extent that the provisions
4 therein are not inconsistent with this section,
5 which notice shall contain a deadline for filing
6 a response at least 35 days after the notice is
7 sent;

8 “(E) any person or entity claiming an in-
9 terest in property that is the subject of an ap-
10 plication brought under this section may file a
11 response to the application of the United
12 States—

13 “(i) except that such response must
14 be filed by the date stated in a direct no-
15 tice of the application or, as applicable, not
16 later than 35 days after the date of final
17 publication of notice of the filing of the ap-
18 plication; and

19 “(ii) shall—

20 “(I) identify the specific property
21 being claimed;

22 “(II) identify the respondent;

23 “(III) set forth the nature and
24 extent of the respondent’s interest in
25 the property, the time and cir-

1 cumstances of the respondent’s acqui-
2 sition of the right, title, or interest in
3 the property;

4 “(IV) set forth with specificity
5 the basis upon which the respondent
6 asserts that the foreign forfeiture
7 judgment should not be enforced in
8 accordance with subsection (d)(1);

9 “(V) be signed by the respondent
10 under the penalty of perjury; and

11 “(VI) be served on the govern-
12 ment attorney who filed the applica-
13 tion under this section;

14 “(F) the United States may move, at any
15 time, to strike a response or any portion of a
16 response for failing to comply with subsection
17 (c)(2)(E) or because the respondent lacks
18 standing and any such motion—

19 “(i) must be decided before any mo-
20 tion by the respondent to dismiss the ac-
21 tion or dissolve any order to preserve prop-
22 erty under this section; and

23 “(ii) may be presented as a motion for
24 judgment on the pleadings or as a motion
25 to determine after a hearing or by sum-

1 mary judgment whether the respondent
2 can carry the burden to establish standing
3 by a preponderance of the evidence.”;

4 (2) in subsection (d)—

5 (A) in paragraph (1), by striking “on be-
6 half”;

7 (B) in paragraph (2), by striking “under”
8 and inserting “under subsection (a)(2)(A) of”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (B)(ii), by strik-
11 ing “foreign country” and inserting “for-
12 eign country, or by such judicial officer as
13 may be authorized under foreign law,”;

14 (ii) in subparagraph (C), by striking
15 “subparagraph (A)” and inserting “sub-
16 paragraph (A), or an order for interlocu-
17 tory sale under subparagraph (C),”;

18 (iii) by redesignating subparagraph
19 (C) as subparagraph (D); and

20 (iv) by inserting the following after
21 subparagraph (B):

22 “(C) PRESERVATION AND PREVENTION OF
23 CRIMINAL USE AND SALE.—In addition to any
24 other action authorized under this section, the
25 court, on motion of the Government, may order

1 the preservation, prevention of criminal use, or
2 interlocutory sale of property subject to civil or
3 criminal forfeiture under foreign law in accord-
4 ance with the provisions of Rule G(7) of the
5 Supplemental Rules for Admiralty or Maritime
6 Claims and Asset Forfeiture Actions.”; and

7 (D) by adding at the end the following:

8 “(4) EFFECT.—All right, title, and interest in
9 property subject to an order to enforce a forfeiture
10 or confiscation judgment under this section shall be
11 forfeited to the United States and shall vest in the
12 United States upon commission of the act giving rise
13 to the forfeiture or confiscation judgment. The At-
14 torney General shall dispose of the forfeited prop-
15 erty, or the proceeds of its sale, in accordance with
16 the provisions of section 413(i) of the Controlled
17 Substances Act (21 U.S.C. 853(i)) or as otherwise
18 provided by law”; and

19 (3) by adding at the end the following:

20 “(g) PROTECTION FROM LIABILITY FOR ACTING AT
21 FOREIGN REQUEST.—Notwithstanding any other provi-
22 sion of Federal Law, no person shall have any right of
23 action at law or equity against the United States, its offi-
24 cers, employees or any other person acting on behalf of,
25 or at the direction of, the United States that arises from

1 any action taken pursuant to this section, or the return
2 or release of property restrained, seized or forfeited pursu-
3 ant to this section, including, but not limited to, actions
4 for damages, costs, interest or attorneys' fees.”.

